

**MINUTES OF THE PLANNING BOARD MEETING OF NOVEMBER 6, 2006
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:01 p.m., Jeffrey Partington, Chairman, presiding.

Members Present: Jeffrey Partington, Rick Lemek, Bruce Ferreira, Michael Lupis, Jim Libby, Christopher Desjardins and Jeff Presbrey.

Members Absent: Leo Felice.

Others Present: Tom Kravitz, Town Planner, and Christine Langlois, Recording Secretary.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that one member was excused from the meeting.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of October 2, 2006** were read. *A motion to accept the minutes as presented was made by Mr. Ferreira, seconded by Mr. Lupis and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Memo from the Town Council regarding Rankin Estates in North Smithfield
- One RIDEM Notice of Insignificant Alterations to Wetlands
- Public Hearing Notice form RIDOT regarding the TIP Program
- Planning Commissioners Journal

V. OLD BUSINESS:

Land Development:

Pine Ridge Village Planned Development (Age-Restricted), Steere Farm Road & Mowry Street, Harrisville; Map 176, Lots 3 & 5; Map 177, Lot 30: Preliminary Major Plan Review/Public Hearing (continued from last month's meeting): Attorney Brian LaPlante and Mr. Joseph Houle were in attendance to represent the request. Attorney LaPlante began the discussion by stating that the project has not yet received its DEM permit and added that he believed the permit should be received by the next Planning Board meeting. He requested an extension of the review to the December Planning Board meeting. Mr. Partington asked if any of the Board members had questions before acting on the request for continuation. Mr. Presbrey stated that he had several questions regarding the materials that were submitted for their review at the last meeting. He outlined the various areas that he required clarification so that Attorney LaPlante could forward the questions onto their engineers, who were not available to attend the meeting this evening. In regards to soil testing, Mr. Presbrey questioned the following:

- In regards to test pit information, Test Pit #1 was ok;
- Test Pit #2 was ok but should state that Test Pit #1 is a detention area and a minimum of three feet is required to the ground water whereas Test Pit #1's minimum requirement is one foot.
- Test Pit #3 states that the existing grade is 377'; the estimated seasonal high groundwater is 370.6' and the elevation of the bottom of the detention basin is 372', which is a 1.4 difference from the bottom of the basin to the groundwater. The plan provided shows that the Test Pit #3 has groundwater weeping at 58" which brings the groundwater elevation to 372.17 which is above the bottom of the basin.
- Test Pits 5 & 6 were ok.
- Test Pit #7 is not located at Building #7 – it is located at Building #10. The estimated seasonal high groundwater hole is dry down to refusal at 401.1. The slab of the foundation elevation or the basement floor is 393.2 so that there are 7.9 feet of ledge-cut to the floor of the basement, which would require a blasting plan.
- Test Pit #8, which is the clubhouse, has a slab elevation of 392' and a sump is required in the basement because the groundwater is 393.3'.
- Test Pit #9 existing grade is 408' not 308'.
- Test Pit #10 states that the bottom of the foundation is above possible seasonal high groundwater elevation – it is not the seasonal high groundwater elevation at 407.2, which is 2.5 feet below the groundwater elevation, so a sump pump is required.
- Test Pit #2-06 detention basin B, is ok;
- Page 23 of 31 of Detail Revisions for the Oil & Water Separator Detail, not enough information is given in order to properly construct the diversionary weir;
- Page 25 of 31, the Typical Anti-Seep Collar Detail again lacks enough detail for construction purposes;
- Page 26 of 31, the Clean-out Details for the Infiltration Areas appear to be staggered on opposite ends of the trenches but it is not clear in the drawing and Infiltration Area A. Perhaps a note to establish the locations of the clean-outs should be placed on the plan.

Mr. Presbrey then referenced a plan that had been submitted illustrating the shortening of the driveways and movement of the buildings along the area which abuts Steere Farm Road, as previously requested by Mr. Libby at the last meeting. He noted that he felt it did not really accomplish the intention of moving the buildings in order to create more buffer space with the abutters. He pointed out the creation of a retaining wall that in some areas was as much as seven feet in height. And the resulting side slope behind Building #1 is a 1½-1, creating a potential for serious washouts. He also added that he felt the project contains too many buildings, pointing out that the "green space" area in the vicinity of Buildings 1 thru 6 contains enough area to create a football field, and suggested narrowing down the green area to provide a better buffer for the abutters. He further suggested changing the number of units per building to decrease the number of buildings.

Mr. Libby reiterated Mr. Presbrey's concerns in regards to the number of buildings and the buffer area for the residents of Steere Farm Road. He pointed out to Attorney LaPlante that the adjacent housing project was recently revised to eliminate the proposed walking paths and suggested that they consider revisiting the proposed walking paths for their project.

Attorney LaPlante stated that at this stage of the process, having already received Master Plan approval, movement of the buildings would require re-engineering and additional costs for his clients. He noted that although the Planning Board is doing their job and his clients are trying to be flexible, it is almost impossible at this stage to re-engineer the project. Mr. Partington pointed out that the Planning Board is trying to balance what the developers are asking for with what the Comprehensive Plan allows. He noted that a good part of the problem is with the site itself supporting the number of proposed buildings. Attorney LaPlante noted that the Town's VPD Ordinance "encourages development, to provide a developer with great flexibility, and to permit higher density" and that it's the Board's contention that units should be removed. Mr. Libby stated that that was not true – the Board has only requested the elimination of buildings, not units. Because the developers have chosen to address a certain target market clientele – requiring one-story buildings, one-story living, indoor covered garages for two vehicles - more buildings are required to meet the feasibility of the project. If the developer would agree to allow for two-story units, buildings could be removed while still maintaining the same number of units. Attorney LaPlante stated that these are the requirements of the Town's VPD Ordinance. Mr. Libby noted that the unit count is really suggestive until the implications of the site are reviewed. Unit count is not the problem – the number of buildings that the site can support is.

Mr. Kravitz stated, for the record, that despite the intentions of the Comprehensive Plan and the GIS Mapping that is done to prepare a policy, only a particular level of detail can be achieved utilizing the GIS Mapping. As we review the specifics of the application, and engineering is conducted – which this stage of review is for – we learn things. Despite the intent of the policy, with respect to the test pit information – a clear confliction between a number of the test pits and the basement elevations of the basements and the ponds themselves, with groundwater – that might dictate that second-stories should be considered on several of the buildings and move the footprints around. Because the information is coming in at the Preliminary stage, they have to be tweaked.

As there were no further questions, *a motion to continue the Preliminary Plan Review and Public Hearing to the December 4, 2006 Planning Board agenda, as requested by the applicant, was made by Mr. Ferreira, seconded by Mr. Desjardins, and carried with unanimously by the Board.*

Subdivision:

Hill Farm Estates, West Road, Pascoag; Map 72, Lots 11 & 12; Map 73, Lots 1 & 2: Preliminary-Final Minor Rural Residential Compound Review/Public Hearing: Ms. Betsy McKenzie, of EMAC Engineers, and Mr. William McIntosh were in attendance to

represent the request. Ms. McKenzie told the Board that she had previously submitted a checklist that outlined the DPW's concerns and her response to the concerns and that she had updated the plans with the revisions information. She noted that a majority of the revisions were located on the details sheets. She asked if she could review each revision for the benefit of the Board. Mr. Partington told her that she could review the revisions; however the Board had not been in possession of the revised plans prior to the meeting so they did not have a chance to digest the information, and that no decision would be made tonight regarding the submission. Mr. Ferreira voiced opposition to the Board receiving plans from the applicant as the Board's current policy is to receive items prior to the meeting in order for the Board to review such plans and make a sound determination on proposals. Mr. Partington stated that he agreed with the policy but would allow Ms. McKenzie to provide a general overview of the revisions, and the plans being submitted this evening would be reviewed and discussed at next month's meeting.

In response to the DPW memorandum of September 26, 2006, and referring to the summary that she had prepared in reference to the plan revisions, Ms. McKenzie addressed the following:

- Sheet 3 – Definitive Layout Plan – suitable for recording purposes; 20' wide easement provided at the end of the cul-de-sac for access to the open space area instead of locating the easement between Lots 3 & 4 due to steepness of grade and wetlands crossing;
- Sheet 4 – Grading & Drainage Plan – shows the location of the underground utilities and building setbacks; the limit of disturbance has been properly labeled.
- Soil Suitability approval – issued by the State;
- RIDEM Determination of Non-Jurisdiction Determination – issued by the State;
- Duke Energy representation present for the meeting – unable to attend the meeting but more than happy to answer any questions from the abutters or the Board;
- Soil Erosion & Sediment Control Plan – has been added to the plan on Detail Sheet #6 as a simple plan. Any exposed areas after the project is completed will be hydro-seeded or otherwise protected immediately.
- The location of the riprap check dams has been labeled more clearly as to distinguish them on the plans on Sheets #4 & #5.
- Rip rap has been added at the swale discharge points. The flow velocities in the swales are very well – the check dams make a very conservative approach to erosion control and so the same rip rap will be used at the end of the swale outlets. The check dam rip rap detail has been added to the detail sheets.
- Underground utilities have been added to the utility trench detail on the road crossings shown just off the edge of pavement and the swale.
- A street light has been added (Sheet #4) to the end of the roadway at its intersection with West Road after conversations with Pascoag Electric. End of driveway lighting has also been added to the plan.

- A stop sign and street sign has been added at West Road, as outlined on the detail sheet, as required by the DPW.
- A paved apron (2" bituminous binder and 2" bituminous top coat) has been added at the intersection with West Road and outlined on the detail sheet.
- Existing drainage conditions at West Road have been modeled. She stated that in her conversations with Kevin Cleary, of the DPW, he noted that there had not historically been any problems with drainage on West Road in the vicinity of the proposed development. Because the engineering for this project does not change the existing patterns on West Road, they discussed a temporary storage for storm flow storage during heavy runoff events to assist the current road culvert that crosses West Road.
- Stamped Landscape plans have been provided.

She noted three additional concerns from abutters and the Planning Board from last month's meeting. The first was in regards to the existing drainage and storm flow on West Road in the vicinity of the proposed roadway. She noted that any existing patterns will not change as a result of this project, adding that the flooding issues that occurred on June 7, 2006 were a result of a new rainfall record on that date.

The second item included a comment from the Board as to whether the local fire department would require underground cisterns for fire protection. She assured the Board that the Pascoag Fire Department did not desire any underground cisterns.

The third item was in regards to gates being required along the gas line easement. She noted that Duke Energy's approval of the project would require the installation of gates at their easement area.

She then requested the Board consider approval of the project, as she believed she had satisfactorily answered all the questions asked, conditioned upon the approval from Duke Energy, and any other items requiring further attention so that the Final Plan could be handled administratively. Mr. Partington reiterated that the materials handed out tonight have not been thoroughly reviewed by the Board or the DPW so no decision could be rendered this evening.

A motion to table a decision on the Preliminary Plan to the December 4, 2006 Planning Board meeting in order to review the additional information provided this evening was made by Mr. Ferreira. The motion received a second from Mr. Desjardins and carried unanimously by the Board.

VI. NEW BUSINESS:

Minor Subdivision:

Robert & Joyce Buckley, Lapham Farm Road, Pascoag; Map 231, Lot 1: Preapplication Plan Review; Mr. Norbert Therien, of National Surveyors-Developers, Inc., and Mr. Robert Buckley were in attendance to represent the request. Mr. Therien began by stating that the BUCKLEYS own a parcel of land with a residence at 785 Lapham

Farm Road. This parcel contains approximately 4.79 acres with a rectangular shape, which is wooded, except for immediately around the residence, with a significant slope running from east to west, ending down in a wetlands area at the most westerly property line. Available utilities include electricity and telephone – public sewers and public water are not available in this area. He noted the proposal is to subdivide the parcel into two pieces, creating an additional residence in the southerly portion of the property with approximately 3.8 acres, being serviced off of Lapham Farm Road, with a driveway and segregating the immediate area around the current residence with approximately 40,000 square feet. He stated that the site has been tested and received an approval from RIDEM in regards to the soil testing for on-site septic. He also noted RIDEM approval in regards to the location of the wetlands and development of the property as proposed. He then asked if there were any questions from the Board.

Mr. Partington questioned whether the plan would require a variance from the Zoning Board in regards to frontage on both of the lots. Mr. Therien stated that it would. Mr. Partington voiced concern with conditionally approving a plan that would create two substandard lots, based on frontage and questioned why the Board should consider such an action. Mr. Therien replied that he was aware of the fact and that he hoped the Board would look favorably upon offering a recommendation to the Zoning Board for relief from the frontage requirement as the property area is almost five acres.

The Board questioned the results of the soil testing. Mr. Therien stated that the results were 10 foot dry, with Hinckley gravel. The Board asked for the grade of the property. Mr. Therien replied 1-1 on either side of the driveway. Any more than that, the State would not allow for the driveway because of an encroachment of the wetlands buffer. The Board voiced concern with the frontage shortage as it is an excessive amount and suggested creating a road instead of a driveway which would provide frontage for the second lot. Mr. Therien said that because of the existing slope, in order to create a roadway, with a turning radius acceptable to the local fire department, it would not be possible to have a level roadway. Mr. Buckley told the Board that he did not want to spend a lot of money and if it would prove to be too costly, he would not pursue the subdivision. Mr. Therien told the Board that they would further investigate other options.

Richard Fontaine, Bronco Highway, Burrillville; Map 213, Lot 7: *Preliminary Plan Review*; Mr. Norbert Therien, of National Surveyors-Developers, Inc., and Mr. Richard Fontaine were in attendance to represent the request. Mr. Therien began by stating the property is an 18-acre parcel located on the easterly side of Bronco Highway directly opposite the Town's new industrial park. He noted the property is peculiar in shape – and gently slopes from Route 102 in an easterly direction to the rear, dropping approximately 60 feet. Wetlands have been delineated and verified by RIDEM. Both public water and public sewer are available to the site. He stated the plan allows for the creation of two lots, one with approximately 10.5 acres and one with approximately 8.28 acres, conforming to zoning.

Mr. Partington pointed out a concern with limiting the number of curb cuts on Route 102 as outlined in the Town's Route 102 Development Management Overlay District. Mr. Therien noted that currently there are two makeshift driveways off of Route 102 which would serve as individual access to each of the proposed lots. These driveways are approximately 600 feet apart. He told the Board that the original plan, which called for the creation of three lots, had been reviewed by the Town Planner, who suggested a single access from Route 102 to each of the lots, allowing for an easement over each of the lots. When the report from RIDEM verified the extensive wetlands, the buffers areas did not allow for a common access, and the access was changed back to the original driveways. The Board suggested that the access to proposed Lot A be designed to be perpendicular with the entrance for Daniele Drive. Mr. Therien told the Board that his client is aware that any proposed use for these parcels would require a site plan review.

A motion to approve the Preliminary Minor Subdivision plan for Richard Fontaine was made by Mr. Ferreira because the subdivision is consistent with the Town's Comprehensive Plan, specifically Chapter VII Economic Development, Goal VII.1 "To broaden the sources of Town revenue through development in the industrial and commercial sectors in order to ensure a sound financial future and assist in funding the achievement of Town goals"; the subdivision, as proposed, is compliant with the dimensional requirements per the GI District as shown in the Zoning Ordinance; there will be no significant negative environmental impacts because no development is proposed as part of the subdivision, and site plan review will be required prior to the development of each lot; the subdivision will result in the creation of two buildable lots, because the soils are suitable for community development; and the proposed lots have adequate and permanent physical access to State Route 102. As part of any future site plan review application, in order to uphold the intent of the Route 102 Overlay Zone, the Planning Board strongly suggests that the applicant review the use and no-cut setback requirements as described in the Route 102 Development Management District Overlay Zone. Although a common driveway is strongly encouraged, because of the wetlands requirements we understand that it is not possible in this case. The motion received a second from Mr. Lupis. Upon further discussion and a request from Mr. Therien that the Final Plan be submitted to the Administrative Officer for review, Mr. Ferreira amended his motion to include that the Final Plan submission would be reviewed by the Administrative Officer. This amendment was seconded by Mr. Lupis, and the amendment and original motion carried unanimously by the Board.

VII. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of October, Certificates of Completeness were issued for: **Wayne & Kathleen Hayter and Paul & Leslie Lavallee, West Shore Lane, Pascoag** (Administrative – three lots), **Robert & Joyce Buckley, Lapham Farm Road, Pascoag** (Preapplication Minor Subdivision – two lots); **Robert Lambert, Wallum Lake Road, Pascoag** (Administrative – Survey); **Stephen Normandin, Warner Lane, Pascoag** (Administrative – Boundary Survey); and **Richard Fontaine, Bronco Highway, Burrillville** (Preliminary Minor Subdivision – two lots). There were no plans

rejected as incomplete. The following plans were endorsed: **Stephen Normandin, Warner Lane, Pascoag** (Administrative – Boundary Survey) and **Robert Lambert, Wallum Lake Road, Pascoag** (Administrative – Survey).

Planning Board Discussions:

Review & Discuss Rankin Estates, North Smithfield: Mr. Kravitz told the Board that a memo had been received from the North Smithfield Town Planner requesting comments from the Burrillville Planning Board in regards to a 120-lot subdivision, known as Rankin Estates, being proposed in North Smithfield near the town border. He suggested the Board could request, at least, a copy of the traffic study results, as the development has access off of Route 7.

Excel Management, LLC, Pascoag Grammar, Map 157, Lot 59: Affordability-Unit Sales Report: Mr. Kravitz stated that he did not have anything to hand out to the Board; however, in regards to the financial feasibility of the project, he noted that several years have passed since the Town amended the Comprehensive Plan to address the affordability of housing units. When the Plan was amended, it had been forwarded to Statewide Planning who in turned forwarded it to Rhode Island Housing for comments on the Housing chapter. At the time, Rhode Island Housing had said that the Grammar School could only serve persons making less or equal to 80% of family income. Rhode Island Housing has since changed their mind while looking at the development and the proforma, and said they would now allow for a couple of the units to be up to 115%, several below 80%, and some even below 70%. In order to avoid an extensive amendment process to update the Comp Plan with this new information, the Town can simply place a footnote on the table to outline the new figures. He offered to provide a spreadsheet so that the Board could review how the units would be broken down by income.

As there was no more business to address, *a motion to adjourn was then made at 8:46 p.m. by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*